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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,372	04/20/2004	Hiroyuki Inoue	MAE 312	3817
23995	7590	06/19/2006	EXAMINER	
RABIN & Berdo, PC 1101 14TH STREET, NW SUITE 500 WASHINGTON, DC 20005			BEATTY, ROBERT B	
			ART UNIT	PAPER NUMBER
			2852	

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/827,372

Applicant(s)

INOUE ET AL.

Examiner

Robert Beatty

Art Unit

2852

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-14 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 15-20 is/are rejected.
- 7) ☒ Claim(s) 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3,15,18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsuzawa et al.

Matsuzawa et al. teach an image forming apparatus comprising a plurality of image forming sections Pa, Pb, Pc, Pd, a transfer section (belt) 31 for transferring toner images onto a recording sheet transported by the belt 31, and a fixing device 40 for fixing the toner image to the sheet. As seen in Fig. 1, a temperature sensor 46 is disposed between the fixing device and the image forming section closest to the fixing unit. The temperature control of the fixing unit will be controlled by the sensor 46 which will control the ON/OFF of the heater to keep the fixing roller at a reference fixing temperature (temperature detected above reference fixing temperature the heater will be OFF) . When the temperature of the heater is OFF, the temperature of the image forming apparatus (and the inside components including the photosensitive drum) will be lowered (cooled). See col.8, line 24 - 67.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuzawa et al. in view of JP# 08-44435.

Matsuzawa et al. taught supra discloses most of what is claimed except the fixing heater being controller at a first duty cycle during normal operation and at a second duty cycle during the cooling operation. JP# 08-44435 teach an image forming apparatus that has a heater 13 for a photosensitive member and a heater 33 for a fixing roller. A first temperature sensor 17 detects the temperature of the photosensitive member and a second temperature sensor 37 detects the temperature of the fixing roller. The heaters will be controlled via a power duty ratio. Depending on the detected temperature, the power duty ratio will change in order to reduce the temperature of the apparatus. It would have been obvious to one of ordinary skill in the art at the time the invention was made to control the heater with a duty cycle that reduces the temperature of the image forming apparatus instead of stopping power completely because the drop in temperature will not be as drastic and thus a return to normal printing condition will be quicker.

3. Claims 16,17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuzawa et al. in view of Hirose et al.

Matsuzawa et al. taught supra discloses most of what is claimed except determining whether the cooling operation should be performed before a print operation and the second temperature sensor being adjacent the photosensitive member. Hirose et al. teach an image forming apparatus having a temperature sensor 127 positioned adjacent the photosensitive drum (col.9, lines 55-59). Before each print operation, the temperature will be sensed and compared to a threshold. The printing speed will be varied according to this determination. It would have been obvious to one of ordinary skill in the art at the time the invention was made to sense the temperature before each print operation because a faulty print can be prevented by performing a corrective action before the print. It would have further been obvious to one of ordinary skill in the art at the time the invention was made that since today's printers are compact, than it can be said any sensor within the printer will be "adjacent" the photosensitive drum and as taught in Hirose et al. such a position is known for the purpose of detecting an internal temperature and correcting for higher internal temperatures.

4. Claim 21 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 5-14 are allowable over the prior art of record.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Beatty whose telephone number is (571) 272-2130. The examiner can normally be reached on M-F from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray, can be reached on (571) 272-2119. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Robert Beatty', with a long horizontal flourish extending to the right.

Robert Beatty
Primary Examiner
Art Unit 2852

June 15, 2006